

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the amendments above and the remarks below.

Telephone Interview

The applicants gratefully appreciate the time afforded by Examiner Akintola and Primary Examiner Kazimi during a telephone interview with applicants' attorney on January 23, 2007. The proposed amendments and the substance of the remarks and arguments presented during the interview are incorporated in the amendments above and the remarks below. Although no agreement was reached, applicants' attorney wishes to thank the Examiners for their helpful suggestions regarding amendments to the claims.

35 U.S.C. §112 Rejection

In the Office Action, claims 1-5 were rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, it is allegedly unclear how the receiving steps "enable" the check processing. Applicants respectfully traverse this rejection for the reasons below.

As suggested by the Examiners, claim 1 has been amended to include additional steps found in dependent claims 5-7 for processing the check. The additional of new matter has been carefully avoided.

Accordingly, withdraw of this §112 rejection is respectfully requested.

35 U.S.C. §103(a) Rejections

In the Office Action, claims 1-7, 16-21, and 23-52 were rejected as being allegedly unpatentable over Fernando et al. (U.S. Patent No. 6,193,152) in view of Preiser et al. (U.S. Patent Application Publication No. 2002/0040344), and claims 8 and 22 were rejected as being allegedly unpatentable over Fernando et al. in view of Preiser and Yamaguchi et al. (U.S. Patent No. 5,577,242). Applicants respectfully traverse these rejections for the following reasons.

With reference to the primary applied reference, Fernando et al., in one embodiment shown in FIG. 4, illustrates a check cashing system that includes a signature pad device connected to a host computer, and an add-on unit having a printer, a magnetic stripe reader, and a smart card reader. A keypad and a fingerprint unit are also connectable to the signature pad device. In operation, a check is inserted into a slot in the add-on unit. The consumer either signs the check, or a blank check is used and the consumer signs the signature pad. The magnetic stripe reader identifies the consumer's bank and bank account number. The printer then prints the date, the dollar amount, and the merchant store as payee on the check. The printer can also print the consumer's signature on the check, and print the word "VOID" thereon.

As noted in the Office Action, Fernando et al. do not explicitly teach obtaining an electronic image of a face of a blank check.

It is respectfully submitted that Preiser et al. also do not disclose obtaining an electronic image of a face of a blank check. In particular, Preiser et al. disclose a check guarantee service for use by member sellers. A buyer can either present him/herself at the seller's point-of-sale terminal to proceed with the transaction, or can contact the seller via a telephone connection or via a mail order. The seller's terminal normally includes a check reader that can read the magnetic ink character

recognition ("MICR") characters to obtain the buyer's bank transit number, the buyer's account number, and the check sequence number, and this information is transmitted to the check guaranteeing service. The point-of-sale terminal can optionally include an imager to image the check, which is stored for later retrieval, if necessary. The paper check can be converted into an electronic funds transfer (EFT). From the description of the guaranteeing system and service disclosed in Preiser et al., the check from the buyer is a completed check and not a blank check.

Accordingly, it is respectfully submitted that Fernando et al. and Preiser et al., either alone or in combination, fail to teach or suggest a check cashing process which includes "receiving an electronic image of a face of the blank check at the point-of-sale" as recited in amended independent claims 1, 16, 23, 31, 44, 54, and 57. In addition, it is also respectfully submitted that Fernando et al. and Preiser et al., either alone or in combination, fail to teach or suggest "storing ... the electronic image of a face of the blank check in at least one data storage unit" as recited in amended independent claims 1, 16, 23, 31, 40, 44, 54, and 57

Furthermore, there is no motivation in Fernando et al. and Preiser et al. for receiving and storing an electronic image of a face of a blank check. As described in Fernando et al. in column 2, lines 53-62, a user's check may be processed in realtime and immediately returned to the user as a receipt for payment of the present transaction. The transaction is completed instantly in that the device contacts the user's bank and, if funds are available, debits the account as payment for the instant transaction. Thus, one of ordinary skill in the art following the teachings of Fernando et al. to reduce the likelihood of fraud or insufficient funds would employ the system of Fernando et al. with the transfer of funds in realtime, and thus, would not be motivated to employ aspects of the guarantee check cashing service in Preiser et al. which includes providing a scanner and retrieving an image of a completed check for later retrieval.

Yamaguchi et al. fail to disclose, teach or suggest the limitations noted above lacking in Fernando et al. and Preiser et al.

Accordingly, Fernando et al., Preiser et al., and Yamaguchi et al., either alone or in combination, fail to disclose or suggest applicants' invention as now recited in the amended claims.

Withdrawal of the §103(a) rejections is respectfully requested.

CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,



David A. Pascarella
Attorney for Applicants
Reg. No. 36,632

Dated: March 27, 2007

HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600
Facsimile: (518) 452-5579